IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 19TH JUNE 2007 / 29TH JYAISHTA 1929

CRP.No. 1102 of 1999(H)

(AGAINST THE PROCEEDINGS DATED 27.4.1999 IN CASE NO.M.3450 OF 1977 OF THE LAND BOARD, KANAYANNOOR)
.....

REVN. PETITIONERS:
----

1. **C.G.RAGHUNATHAN S/o.GOVINDA RAO, CHITTAYIL HOUSE, MARADU, THRIPUNITHURA.**

2. **C.G.SUSEELA, W/o. GANGADHARA RAO, KALLARACKAPARAMBIL, ELAMAKKARA.**

3. **C.G.SUNDARI D/o.GOVINDA RAO, CHITTAYIL HOUSE, MARADU, THRIPUNITHURA.**

BY ADV. SRI.V.J.JOHN
SRI.K.RAVIKUMAR

RESPONDENTS:
----

1. **TALUK LAND BOARD, KANAYANNOOR, REPRESENTED BY ITS CHAIRMAN.**

2. **THE TAHSILDAR, KANAYANNOOR, ERNAKULAM.**

3. **THE STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT, SECRETARIAT, TRIVANDRUM.**

BY GOVERNMENT PLEADER SRI.JAMES JOHN AMBOOKKAN

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 19/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON C.M.P.NO.2285 OF 1999 IN C.R.P.NO.1102 OF 1999

DISMISSED

19/6/2007 **Sd/-PIUS C.KURIAKOSE,JUDGE.**

TRUE COPY

P.A.TO JUDGE

PIUS C. KURIAKOSE, J.

C.R.P. No. 1102 OF 1999

Dated this the 19th day of June, 2007

JUDGMENT

Mr.K.Ravikumar and Mr.V.J.John appearing for the petitioners submit that in the impugned order of the Land Board itself it is stated that there are 16 varam claimants (varandars) on the property in question and their claims are under consideration by the Land Tribunal. Learned counsel further submitted that 16 suo motu cases were registered on the basis of those claims, viz. SMP Nos.51/94, SMP 52/94, SMP 55/94, SMP 56/94, SMP 58/94, SMP 60/94, SMP 62/94, SMP 63/94, SMP 71/94, SMP 72/94, SMP 74/94, SMP 77/94, SMP 78/94, SMP 80/94, SMP 83/94 & SMP 86/94) and that the enquiry into those cases is practically completed over. According to him a compromise has been arrived at between the parties and D form has been issued already. What remains is the actual issuance of pattayams which is delayed due to administrative reasons in the Tribunal.

I have heard the submissions of Sri.Shyson P.Manguzha, learned Government Pleader also. Having regard to the rival submissions, I am of the view that if the Land Tribunal has finalized the proceedings initiated in respect of the varam claims in favour of the claimants as

submitted by the learned counsel for the petitioners, it is only appropriate that the Land Board passes fresh orders on the basis of the orders of the Land Tribunal. Accordingly, I set aside the impugned order and direct the Taluk Land Board, Kanayannoor to pass fresh orders in TLB case No.3460 of 1977 after giving opportunity to the petitioners for producing evidence regarding the decision taken by the Land Tribunal in the suo motu cases referred to above. The Board will have due regard to the decision taken by the Land Tribunal on the varam claims and pass fresh orders.

The CRP is allowed by way of remand. No costs.

PIUS C. KURIAKOSE, JUDGE

btt